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09/910,709	07/24/2001	Chang Kwon Lee	P-0236	1806
34610 7590 03/06/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
			EXAMINER ANWAH, OLISA	
			ART UNIT 2614	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/910,709	Applicant(s) LEE ET AL.	
	Examiner Olisa Anwah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 23, 24, 27-29, 33, 34, 37-39, 46-48, 71-73 and 80-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 25, 26, 30-32, 35, 36, 40-45, 49-70 and 74-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21, 22, 25, 26, 30-32, 35, 36, 40, 45, 49, 58 and 74-79 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hori et al, U.S. Patent No. 6,792,280 (hereinafter Hori) combined with Wendelrup, U.S. Patent Application Publication No. 2002/0023099 (hereinafter Wendelrup) in further view of Grube, U.S. Patent No. 5,446,553 (hereinafter Grube).

Regarding claim 21, Hori discloses a method for transmitting a digital data file, comprising:

receiving information from a first terminal (see unit 15 from Figure 1) identifying a second mobile terminal (see unit 17 from Figure 17), said information including a telephone number of the second mobile terminal;

providing a stored data file list (see list from column 18) to allow for selection of a digital data file to be transmitted;

receiving data information identifying (see step C1 from Figure 5) the selected digital data file; and

transmitting the selected digital data file from a first server (see unit 13 from Figure 1) to the second mobile terminal based on the telephone number of the second mobile terminal,

wherein if the second mobile terminal is in a state of being available for receiving the digital data file, then said transmitting includes:

transmitting a guide message (see step C3 from Figure 5) to the second mobile terminal before the digital data file, the guide message (a) informing a user of the second mobile terminal that the digital data file has been selected for delivery to the second mobile terminal and (b) asking whether the user would like to receive the digital data file, and

transmitting the digital data file (see step C5 from Figure 5) to the second mobile terminal if information is received in response to (b) indicating that the user would like to receive the digital data file.

Further regarding claim 21, Hori does not teach wherein if the second mobile terminal is determined not to be in a state of being available for receiving the digital data file, said transmitting includes transmitting the selected digital data file and the telephone number of the second mobile terminal for storage in a second server different from the first server. All the same, Wendelrup discloses if the second mobile terminal is determined not to be in a state of being available for receiving the digital data file, said transmitting includes transmitting the selected digital data file and the telephone number of the second mobile terminal for storage in a second server (see unit 14 from Figure 1) different from the first server. And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the memory server of Wendelrup. This modification would have improved the system's convenience by allowing the user to have increased storage capacity as suggested by Wendelrup (see paragraph 0010).

Again on the issue of claim 21, the combination of Hori and Wendelrup does not teach:

when the second mobile terminal changes to a state of being available to receive the digital data file and connects to the

second server, transferring a guide message to the second mobile terminal,

    sending a request to transfer the selected digital data file,

    transferring the selected digital data file from the second server to the second mobile terminal, and

    automatically storing the selected digital data file in the second mobile terminal.

Nonetheless, Grube discloses these features (see Figure 8). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Wendelrup with the wireless reception method as taught by Grube. This modification would have improved the system's convenience by allowing roaming terminals to receive data as suggested by Grube (see Figure 8).

And for claim 22, although the combination of Hori, Wendelrup and Grube discloses the data information for identifying includes the name of the data file and a synchronization code informing transmission of the digital file (see column 14 of Hori), the combination of Hori, Wendelrup and

Grube does not explicitly mention the data information for identifying includes the type and capacity of the data file. "Official Notice" is taken that this limitation is both old and well known in the art. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori, Wendelrup and Grube wherein the data information for identifying includes the type and capacity of the data file. This modification would have improved the system's user friendliness by enabling the user to download information corresponding to the desired music data as suggested by Hori (see column 18).

Regarding claim 25, the combination of Hori and Wendelrup as modified by Grube inherently teaches the claimed limitation.

Regarding claim 26, see column 15 of Hori.

Regarding claim 30, Hori teaches a method of transmitting a digital data file, comprising:

receiving information from a first terminal (see unit 15 from Figure 1) identifying a second mobile terminal (see unit 17

from Figure 1), said information including a telephone number of the second mobile terminal;

receiving information from the first terminal selecting a data file from a data file list (see list from column 18);

transmitting a guide message (see step C3 from Figure 5) including data for identifying the selected data file to the second mobile terminal based on the telephone number of the second mobile terminal, the data for identifying having file information of the digital data, and

transmitting the data file (see step C5 from Figure 5) to the second mobile terminal in response to a signal received from the second mobile terminal requesting the data file.

Further regarding claim 30, Hori does not disclose transmitting the data file and the telephone number of the second mobile terminal for storage in a server, if the second mobile terminal is determined not to be in a state of being available for receiving the data file. All the same, Wendelrup discloses transmitting the data file and the telephone number of the second mobile terminal for storage in a server (see unit 14 from Figure 1), if the second mobile terminal is determined not to be in a state of being available for receiving the data file.



And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the memory server of Wendelrup. This modification would have improved the system's convenience by allowing the user to have increased storage capacity as suggested by Wendelrup (see paragraph 0010).

Again on the issue of claim 30, the combination of Hori and Wendelrup does not teach:

when the second mobile terminal is an available state,  
transferring the guide message to the second mobile terminal,  
sending a request to transfer the data file from the server  
to the second mobile terminal,  
transferring the data file from the second server to the  
second mobile terminal, and  
automatically storing the data file in the second mobile  
terminal.

Nonetheless, Grube discloses these features (see Figure 8). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Wendelrup with the wireless

reception method as taught by Grube. This modification would have improved the system's convenience by allowing roaming terminals to receive data as suggested by Grube (see Figure 8).

Claim 31 is rejected for the same reasons as claim 22.

Regarding claim 32, see columns 14 and 15 of Hori.

Claim 35 is rejected for the same reasons as claim 25.

Claim 36 is rejected for the same reasons as claim 26.

Regarding claim 40, see columns 14 and 15 of Hori.

Regarding claim 45, Hori discloses a method for transmitting a compressed digital data file (see MIDI, MPEG, Audio from column 17), comprising:

providing an input window on a first terminal (see unit 12 from Figure 6) for inputting information of a second mobile terminal (see unit 14 from Figure 6) including a telephone number of the second mobile terminal, wherein the input information being provided to the first terminal with information identifying a source of the digital data file,

selecting at least one digital file from a file list (see list of music data from column 18) to be transmitted, wherein a

title name (see coupon from column 23) of the selected data file is separately transmitted with the selected digital data file.

Further regarding claim 45, Hori does not disclose transmitting the selected digital data file and the telephone number of the second mobile terminal for storage in a server, if the second mobile terminal is determined not to be in a state of being available for receiving the digital data file. Regardless, Wendelrup discloses transmitting the selected digital data file and the telephone number of the second mobile terminal for storage in a server (see unit 14 from Figure 1), if the second mobile terminal is determined not to be in a state of being available for receiving the digital data file. And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the memory server of Wendelrup. This modification would have improved the system's convenience by allowing the user to have increased storage capacity as suggested by Wendelrup (see paragraph 0010).

Again on the issue of claim 45, the combination of Hori and Wendelrup does not disclose:

when the second mobile terminal enters into an available state, receiving a guide message indicating that the selected digital data file is available to be received from the server;

sending a request to transfer the selected digital data file from the server to the second mobile terminal;

transferring the selected digital data file from the server to the second mobile terminal; and

automatically storing the digital data file in the second mobile terminal.

Nonetheless, Grube discloses these features (see Figure 8). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Wendelrup with the wireless reception method as taught by Grube. This modification would have improved the system's convenience by allowing roaming terminals to receive data as suggested by Grube (see Figure 8).

Regarding claim 49, see columns 14 and 15 of Hori.

Regarding claim 58, see Figure 1 of Hori.

Regarding claim 74, Hori discloses a method for transmitting a digital data file, comprising determining whether a second terminal (see unit 17 from Figure 1) is in a state of being available (see column 15) to receive a digital data file, wherein the digital data file is selected based on information transmitted from a first terminal (see unit 15 from Figure 1) to a first server (see unit 13 from Figure 1).

Further regarding claim 74, Hori does not disclose transmitting the digital data file and an address of the second terminal from the first server to a second server if the second terminal is not in a state of being available to receive the digital data file. Nonetheless, Wendelrup discloses transmitting the digital data file and an address of the second terminal from the first server to a second server if the second terminal is not in a state of being available to receive the digital data file. And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the memory server of Wendelrup. This modification would have improved the system's convenience by allowing the user to have increased storage capacity as suggested by Wendelrup (see paragraph 0010).

Again on the issue of claim 74, the combination of Hori and Wendelrup does not disclose:

when the second terminal enters into an available state:

receiving a message indicating that the digital data file is available to be received from the second server;

sending a request to transfer the digital data file from the second server to the second terminal;

transferring the digital data file from the server to the second terminal; and

automatically storing the digital data file in the second terminal.

Nonetheless, Grube discloses these features (see Figure 8). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Wendelrup with the wireless reception method as taught by Grube. This modification would have improved the system's convenience by allowing roaming terminals to receive data as suggested by Grube (see Figure 8).

Regarding claim 75, see column 14 of Hori.

Regarding claim 76, see column 14 of Hori.

Regarding claim 77, see column 14 of Hori.

Regarding claim 78, Hori teaches receiving, in the second terminal, the digital data file selected by the first terminal (see Figure 5). Still on the issue of claim 78, Hori does not disclose the second terminal receives the digital data file from the second server. Nonetheless, Wendelrup shows the second terminal receives the digital data file from the second server (see unit 14 from Figure 1). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the memory server of Wendelrup. This modification would have improved the system's convenience by allowing the user to have increased storage capacity as suggested by Wendelrup (see paragraph 0010).

Regarding claim 79, Hori as modified by Wendelrup inherently teaches that the first and second servers are different servers.

3. Claims 41-43, 50-57 and 60-63 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hori combined with Shanahan,

U.S. Patent Application Publication No. 2004/0005880

(hereinafter Shanahan) in further view of Grube.

Regarding claim 41, Hori discloses a method for receiving and reproducing a digital data file (see music data from abstract) in a device (see unit 14 from Figure 6), comprising:

receiving (see s91 from Figure 16) first information for identifying the digital file and second information (see message from the requester from column 16), wherein the device is designated by information inputted in a transmitting device by a sender (see unit 12 from Figure 6) which includes the phone number of the device.

Further regarding claim 41, Hori does not disclose checking a format of the digital data file and determining whether to receive the digital data file or not based on whether the checked digital data file has a predetermined format.

Nonetheless, Shanahan discloses this feature (see paragraph 0008). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the feature of checking a format of the digital data file and determining whether to receive the digital data file or not based on whether the checked digital data file has a



predetermined format as taught by Shanahan. This modification would have improved the reliability of Hori by downloading compatible data as suggested by Shanahan (see paragraph 0008).

Again on the issue of claim 41, both Hori and Shanahan fall short of showing that the second information identifies a source of the digital data file. "Official Notice" is taken that this limitation is both old and well known in the art. Consequently it would have been obvious to one of ordinary skill in the art to further modify the combination of Hori and Shanahan wherein the second information identifies a source of the digital file. This modification would have improved the system's user friendliness by enabling the sender to input a message as suggested by Hori (see column 13).

Still on the subject of claim 41, the combination of Hori and Shanahan does not teach:

if the device is not in a state of being available to receive the digital data file, the method further comprises when the device enters into an available state:

receiving a message indicating that the digital data file is available to be received from a server, which stored the

digital data file and information corresponding to a telephone number of the device during a time when the device was not in said available state;

    sending a request to transfer the digital data file from the server to the device;

    transferring the digital data file from the server; and  
    automatically storing the digital data file in the device.

Regardless, Grube covers these features (see Figure 8). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Shanahan with the wireless reception and roaming method of Grube. This modification would have improved the system's convenience by providing the communication device with the ability of maintaining in contact with other communication units when the unit is away from its home subsystem as suggested by Grube.

Regarding claim 42, see column 19 of Hori.

As per claim 43, neither Hori, Shanahan nor Grube disclose that the second information is a sender name or phone number of

the transmitting device. "Official Notice" is taken that this limitation is both old and well known in the art. Consequently it would have been obvious to one of ordinary skill in the art to further modify the combination of Hori, Shanahan and Grube wherein the second information is a sender name or phone number of the transmitting device. This modification would have improved the system's user friendliness by enabling the sender to input a message as suggested by Hori (see column 13).

Regarding claim 50, Hori discloses a method for receiving a compressed digital data file, comprising:

displaying a received guide message (see coupons from column 18) and

displaying an identifying message (see message from the requester from column 16) of the compressed digital data file.

Further regarding claim 50, Hori does not disclose checking a format of the digital data file and determining whether to receive the digital data file or not based on whether the checked digital data file has a predetermined format. Nonetheless, Shanahan discloses this feature (see paragraph 0008). And so, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Hori with the feature of checking a format of the digital data file and determining whether to receive the digital data file or not based on whether the checked digital data file has a predetermined format as taught by Shanahan. This modification would have improved the reliability of Hori by downloading compatible data as suggested by Shanahan (see paragraph 0008).

Still on the subject of claim 50, the combination of Hori and Shanahan does not teach:

wherein if the terminal is not in a state of being available to receive the digital data file, the method further comprises when the terminal enters into an available state:

receiving another message indicating that the digital data file is available to be received from a server, which stored the digital data file and information corresponding to a telephone number of the terminal during a time when the device was not in said available state;

sending a request to transfer the digital data file from the server to the terminal;

transferring the digital data file from the server to the terminal; and

automatically storing the digital data file in the terminal.

Regardless, Grube covers these features (see Figure 8). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Shanahan with the wireless reception and roaming method of Grube. This modification would have improved the system's convenience by providing the communication device with the ability of maintaining in contact with other communication units when the unit is away from its home subsystem as suggested by Grube.

Regarding claim 51, see column 19 of Hori.

Regarding claim 52, Hori does not explicitly mention that the identifying message includes sender and data information. "Official Notice" is taken that this limitation is both old and well known in the art. Consequently it would have been obvious to one of ordinary skill in the art to further modify the combination of Hori, Shanahan and Grube wherein the identifying message includes sender and data information. This modification

would have improved the system's user friendliness by enabling the sender to input a message as suggested by Hori (see column 13).

Regarding claim 53, see Figure 6 of Hori.

Regarding claim 54, Hori discloses the data information includes format information and sync header information (see s105 from Figure 17). Hori does not explicitly mention the data information includes size information. "Official Notice" is taken that this limitation is both old and well known in the art. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori, Shanahan and Grube wherein the data information includes size information. This modification would have improved the system's flexibility by transferring various control information as suggested by Hori (see column 25).

Regarding claim 55, see column 17 of Hori.

Regarding claim 56, see Figure 16 of Hori.

Regarding claim 57, see s107 from Figure 17 of Hori.

Regarding claim 60, Hori as modified by Shanahan discloses the predetermined data format is a compressed data format.

Regarding claim 61, Hori as modified by Shanahan discloses the predetermined data format is an mp3 format.

Claim 62 is rejected for the same reasons as claim 60.

Claim 63 is rejected for the same reasons as claim 61.

4. Claims 64-68 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hori combined with Grube.

Regarding claim 64, Hori discloses a method for receiving a compressed digital data file, comprising:

displaying a received guide message (see coupons from column 18) on a terminal;

displaying an identifying message (see message from the requester from column 16) of the compressed digital data file;  
and

receiving (see Figure 17) the compressed digital data file.

Still on the subject of claim 64, Hori does not teach:

wherein if the terminal is not in a state of being available to receive the digital data file, the method further comprises when the terminal enters into an available state:

receiving a message indicating that the digital data file is available to be received from a server, which stored the digital data file and information corresponding to a telephone number of the terminal during a time when the device was not in said available state;

sending a request to transfer the digital data file from the server to the terminal;

receiving the digital data file from the server based on said information corresponding to the telephone number of the terminal and in response to the request; and

automatically storing the digital data file in the terminal.

Regardless, Grube covers these features (see Figure 8). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hori with the wireless reception and roaming method of Grube. This modification would have improved the system's convenience by providing the communication device with the ability of



maintaining in contact with other communication units when the unit is away from its home sub-system as suggested by Grube.

Regarding claim 65, see column 19 of Hori.

Regarding claim 66, see column 19 of Hori.

Regarding claim 67, see Figure 16 of Hori.

Regarding claim 68, Hori does not explicitly mention that the identifying message includes information identifying at least one of a sender of the compressed digital data file, a size of the compressed digital data file, or a name of the compressed digital data file. "Official Notice" is taken that this limitation is both old and well known in the art. Consequently it would have been obvious to one of ordinary skill in the art to further modify the combination of Hori and Grube wherein the identifying message includes information identifying at least one of a sender of the compressed digital data file, a size of the compressed digital data file, or a name of the compressed digital data file. This modification would have improved the system's user friendliness by enabling the sender to input a message as suggested by Hori (see column 13).

5. Claim 44 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hori combined with Shanahan and Grube in further view of Gold et al, U.S. Patent No. 7,082,469 (hereinafter Gold).

With respect to claim 44, the combination of Hori, Shanahan and Grube does not show providing a partial part of the digital file to be transmitted, wherein the partial part is a beginning part of the digital data. Regardless, Gold discloses this feature (see Figures 1a and 1b). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori, Shanahan and Grube with a method of providing a partial part of the digital data file to be transmitted, wherein the partial part is a beginning part of the digital data as taught by Gold. This modification would have improved the system's user friendliness by allowing the user to ensure the dedicated song is the one the sender wanted as suggested by Gold (see column 5).

6. Claim 59 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hori combined with Wendelrup and Grube in further view of Gold.

Regarding claim 59, the combination of Hori, Wendelrup and Grube fails to disclose the guide message is an audio guide message. Nevertheless, Gold teaches the guide message is an audio guide message (see Figure 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori, Wendelrup and Grube wherein the guide message is an audio guide message as shown by Gold. This modification would have improved the system's user friendliness by enabling blind users to receive a dedicated song.

7. Claims 69 and 70 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hori combined with Grube in further view of Shanahan.

As per claim 69, the combination of Hori and Grube does not disclose checking whether format of the digital data file is a predetermined format, said predetermined format being a preset compressed data format. Nonetheless, Shanahan discloses this feature (see paragraph 0008). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hori and Grube with the feature of checking whether format of the digital data

file is a predetermined format, said predetermined format being a preset compressed data format as taught by Shanahan. This modification would have improved the reliability of Hori by downloading compatible data as suggested by Shanahan (see paragraph 0008).

As per claim 70, the combination of Hori and Grube as modified by Shanahan teaches the preset compressed data format is an mp3 format.

### ***Response to Arguments***

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Olisa Anwah  
Patent Examiner  
January 17, 2008

Olisa Anwah